

# Exhibit 2



Cimone Nunley <[cimone@civilrightsca.com](mailto:cimone@civilrightsca.com)>

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## Diaz v. Tesla: Response re Proposed Changed Date for Pretrial Exchange

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Dan Posner <[danposner@quinnemanuel.com](mailto:danposner@quinnemanuel.com)>

Thu, Jan 26, 2023 at 4:38 PM

To: Cimone Nunley <[cimone@civilrightsca.com](mailto:cimone@civilrightsca.com)>

Cc: Mari Henderson <[marihenderson@quinnemanuel.com](mailto:marihenderson@quinnemanuel.com)>, Asher Griffin <[ashergriffin@quinnemanuel.com](mailto:ashergriffin@quinnemanuel.com)>, "J. Bernard Alexander, III" <[balexander@amflp.com](mailto:balexander@amflp.com)>, Larry Organ <[larryaorgan@gmail.com](mailto:larryaorgan@gmail.com)>, Michael Rubin <[mrubin@altshulerberzon.com](mailto:mrubin@altshulerberzon.com)>, Jonathan Rosenthal <[jrosenthal@altshulerberzon.com](mailto:jrosenthal@altshulerberzon.com)>, Sabrina Grislis <[sabrina@civilrightsca.com](mailto:sabrina@civilrightsca.com)>

Cimone,

We don't see that ruling in Dkt. 376, and we were not otherwise aware of it. Nor do we understand what you are asking us to do by agreeing that each witness's testimony in the retrial must be consistent with and not "materially different" from that witness's testimony at the first trial. How do you propose to enforce that?

If you would like to point us to the "ruling" to which you are referring, and also let us know specifically what you are asking us to do, we will consider it. But we are not presently aware of what you are asking us to confirm we "acquiesce" to, and we do not believe we have any burden to move in limine on this issue.

Thank you,

Dan

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**From:** Cimone Nunley <[cimone@civilrightsca.com](mailto:cimone@civilrightsca.com)>

**Sent:** Thursday, January 26, 2023 3:59 PM

**To:** Dan Posner <[danposner@quinnemanuel.com](mailto:danposner@quinnemanuel.com)>

**Cc:** Mari Henderson <[marihenderson@quinnemanuel.com](mailto:marihenderson@quinnemanuel.com)>; Asher Griffin <[ashergriffin@quinnemanuel.com](mailto:ashergriffin@quinnemanuel.com)>; J. Bernard Alexander, III <[balexander@amflp.com](mailto:balexander@amflp.com)>; Larry Organ <[larryaorgan@gmail.com](mailto:larryaorgan@gmail.com)>; Michael Rubin <[mrubin@altshulerberzon.com](mailto:mrubin@altshulerberzon.com)>; Jonathan Rosenthal <[jrosenthal@altshulerberzon.com](mailto:jrosenthal@altshulerberzon.com)>; Sabrina Grislis <[sabrina@civilrightsca.com](mailto:sabrina@civilrightsca.com)>

**Subject:** Re: Diaz v. Tesla: Response re Proposed Changed Date for Pretrial Exchange

[EXTERNAL EMAIL from [cimone@civilrightsca.com](mailto:cimone@civilrightsca.com)]

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Hi Dan,

Thanks, we'll look forward to exchanging documents on Tuesday.

We're referring to the Court's January 17, 2023 ruling (Docket 376). Let me know if you have any other questions!

Regards,



**Cimone Nunley, Esq. (She/Her)**  
Attorney at California Civil Rights Law Group

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On Thu, Jan 26, 2023 at 3:55 PM Dan Posner <[danposner@quinnemanuel.com](mailto:danposner@quinnemanuel.com)> wrote:

Cimone,

We will agree to exchange all documents at 5 p.m. on Tuesday. If there is anything you would like to discuss before then, please let us know.

As for your question about Judge Orrick's ruling, would you please let us know what ruling you are referring to?

Thank you,

Dan

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**From:** Cimone Nunley <[cimone@civilrightsca.com](mailto:cimone@civilrightsca.com)>

**Sent:** Thursday, January 26, 2023 2:35 PM

**To:** Dan Posner <[danposner@quinnemanuel.com](mailto:danposner@quinnemanuel.com)>; Mari Henderson <[marihenderson@quinnemanuel.com](mailto:marihenderson@quinnemanuel.com)>; Asher Griffin <[ashergriffin@quinnemanuel.com](mailto:ashergriffin@quinnemanuel.com)>

**Cc:** J. Bernard Alexander, III <[balexander@amfillp.com](mailto:balexander@amfillp.com)>; Larry Organ <[larryaorgan@gmail.com](mailto:larryaorgan@gmail.com)>; Michael Rubin <[mrubin@altshulerberzon.com](mailto:mrubin@altshulerberzon.com)>; Jonathan Rosenthal <[jrosenthal@altshulerberzon.com](mailto:jrosenthal@altshulerberzon.com)>; Sabrina Grislis <[sabrina@civilrightsca.com](mailto:sabrina@civilrightsca.com)>

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Counsel,

You've asked us as a courtesy to agree to extend the deadline for exchanging motions *in limine* until 5:00 PM on Tuesday. If we're going to extend the deadline for the MILs, it probably makes sense also to agree on the same extended deadline for the other documents we're currently scheduled to exchange on Monday. If you're ok with that, we'll agree to extend both parties' Monday deadlines until Tuesday at 5:00 p.m.

Additionally, to follow up on our discussion this afternoon, please let us know whether, other than your proposed substitution of a new PMK witness, you are acquiescing in Judge Orrick's ruling requiring each witness's testimony to be consistent with and not "materially different" from that witness's testimony at the first trial or whether you will be filing an MIL to challenge that ruling.

Warm regards,



**Cimone Nunley, Esq. (She/Her)**  
Attorney at California Civil Rights Law Group

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